REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In response to the drawing objections, all of the drawings have been reviewed and proposed amendments together new substitute drawings are attached.

The "sequence order" objection to dependent claim 12 is not understood. Claim 12 depends from claim 7 which is a higher sequence order claim. It is not clear from the file accessible to the undersigned where the Examiner might have gotten the impression that claim 12 depended from claim 13. In any event, the above presentation of claims has claim 12 in an appropriate order with respect to its parent claim.

The rejection of claims 12-14 under 35 U.S.C. §112, second paragraph is respectfully traversed.

It is not clear that the Examiner intended to include claim 12 in this ground of rejection. In any event, the undersigned cannot find anything in claim 12 that is inconsistent or in any way otherwise indefinite with respect to its parent independent claim 7.

With respect to claims 13 and 14, the Examiner apparently is of the view that these apparatus claims need to be consistent with both independent claim 1 and independent claim 7. Clearly, these claims are entirely consistent with independent claim 7 – and were not intended to be analogized to independent claim 1. However, in order to make this point more clear and to also follow the Examiner's suggestions, new apparatus claims 15-19 have now been added which can be analogized to method claims 1-5 respectively.

In short, as now presented, applicant has claimed both embodiments of the invention in respectively corresponding sets of method and apparatus claims. It is not believed that this in any way violates the requirements of 35 U.S.C. §112, second paragraph.

The rejection of claims 1, 6 and 13 under 35 U.S.C. §102(e) as allegedly anticipated by Carter et al. '989 is respectfully traversed.

First of all, applicant is entitled to a British priority date of October 15, 1998. The Carter '989 reference does not have an effective 35 U.S.C. §102(e) date until November 2, 1998. Accordingly, Carter et al. '989 is not even "prior art" with respect to the present application.

Furthermore, it will be noted that inventor Hodgkinson is common to the named inventorship in both the present application and the Carter et al. '989 patent. It is therefore suspected that any relevant portions of this document are likely to have been derived from the common inventor and therefore do not constitute the work product of "another" as is of course required under 35 U.S.C. §102(e).

Furthermore, even assuming Carter et al. '989 to constitute "prior art" arguendo, it is not believed to anticipate the claims now being presented. In view of the above described situation, it is not believed necessary at this point to explain further why this document does not anticipate the claims presently being sought.

The rejection of claims "xx-xx" (presumably 1-14?) under 35 U.S.C. §103 as allegedly being made "obvious" based on Chang et al. '523 in view of Pyhalammi et al. '263 is also respectfully traversed.

Chang discloses a method of flow control and congestion control. Flow control simply refers to controlling the output of a sending terminal (i.e., an end-system, not an intermediate network node) so that it does not overwhelm a receiving terminal. Congestion control involves ensuring that the combined input of all terminals does not overload a network.

Chang puts forward a complex flow control and congestion control mechanism – the crux of which seems to be that the receiver works out which is lower – the rate at which it can process cells (which will provide flow control when necessary), and the rate at which it is receiving cells (which will provide an indication of network congestion when necessary) – see 7:20-26. That minimum rate is used to control the sending rate of the sender in such a way that the network is operated as efficiently as possible – that is to say at the 'knee' of the throughput graph shown in Figure 4.

However the signaling between the receiver and the sender is unrelated to the way in which the packets traveling across the network are handled, contrary to what is claimed in applicant's independent claims.

Pyhalammi also discloses congestion control using forward and backward congestion indications in frames traveling across the network. Subscribers receiving such frames can be expected to slow down the rate at which they place traffic on the network. This is a less sophisticated congestion control technique than the one seen in Chang.

Pyhalammi also discloses providing differential Quality of Service to different connects across the network. This is done by directing frames (packets) belonging to different

connections (as indication by the Data Link Connection Identifier – DLCI) to different buffers in the network nodes.

However, once again, there is no connection between the DLCI and the congestion signal (a backward congestion indication in a frame). Once again, the signaling between the receiver and the sender is unrelated to the way in which the packets traveling across the network are handled, contrary to what is claimed in applicant's independent claims.

Pyhalammi and Chang both have a congestion control scheme that relies on the sender slowing down the rate at which it sends packets on the network. Both provide differential services to users in dependence upon a class-of-service indication in the packet. However, in both cases, the two mechanisms are separate. Hence, in both Pyhalammi and Chang the receiver cannot influence how the network treats packets from the sender – instead it influences how many packets are sent onto the network.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Proposed drawing changes are shown in red on attached photocopies together with a new set of substitute formal drawings incorporating such changes.

Attachment: Replacement Sheet(s)
Annotated Sheet Showing Changes

PROPOSED DRAWING AMENDMENTS

FOR SN 09/787,197

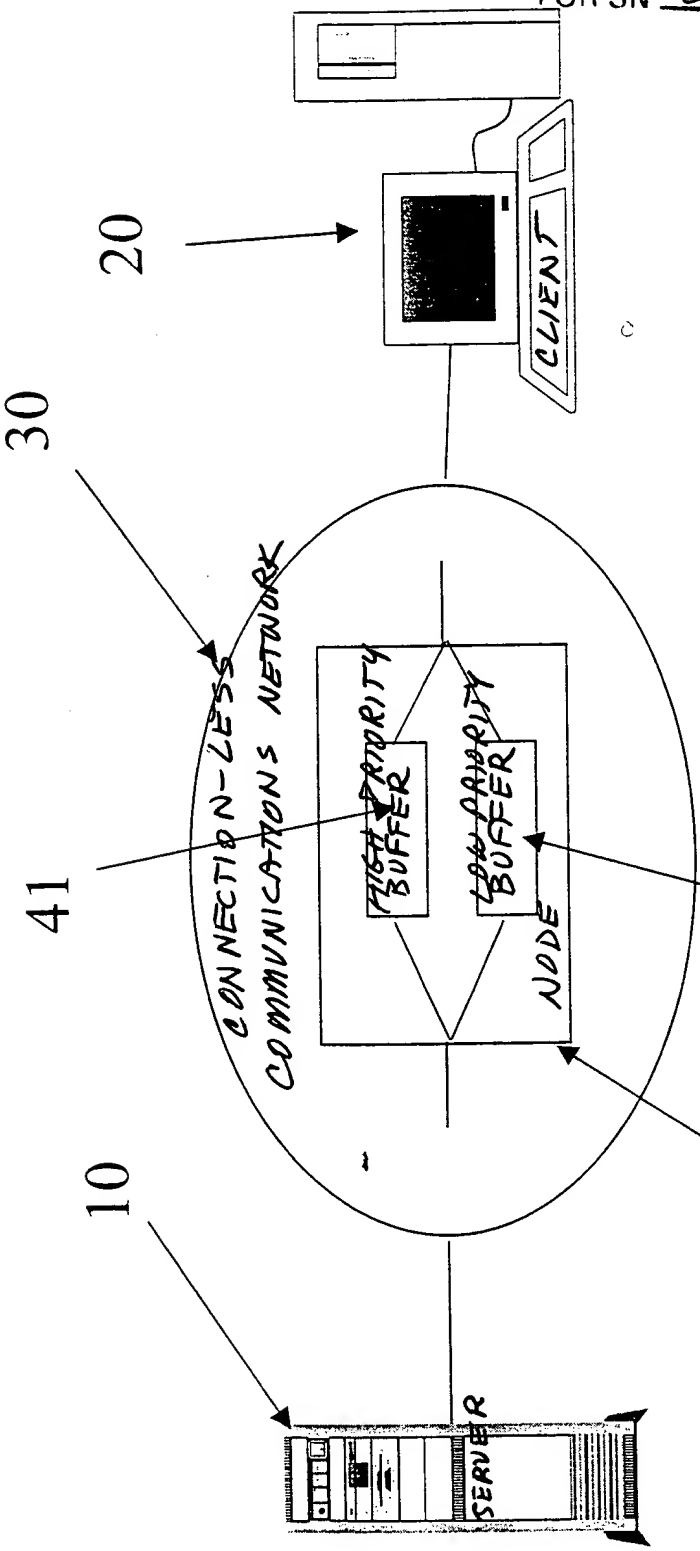

Figure 1

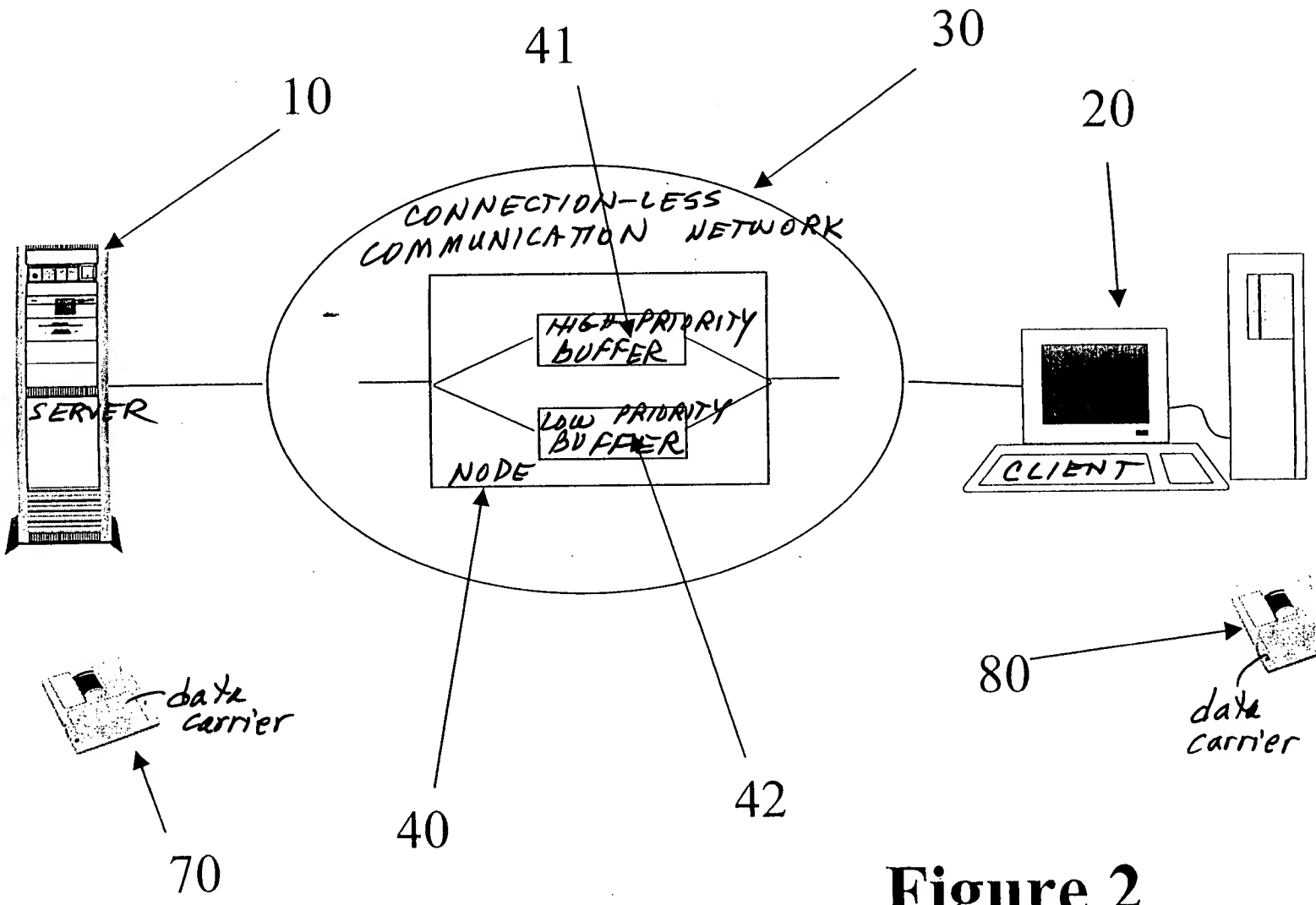

Figure 2

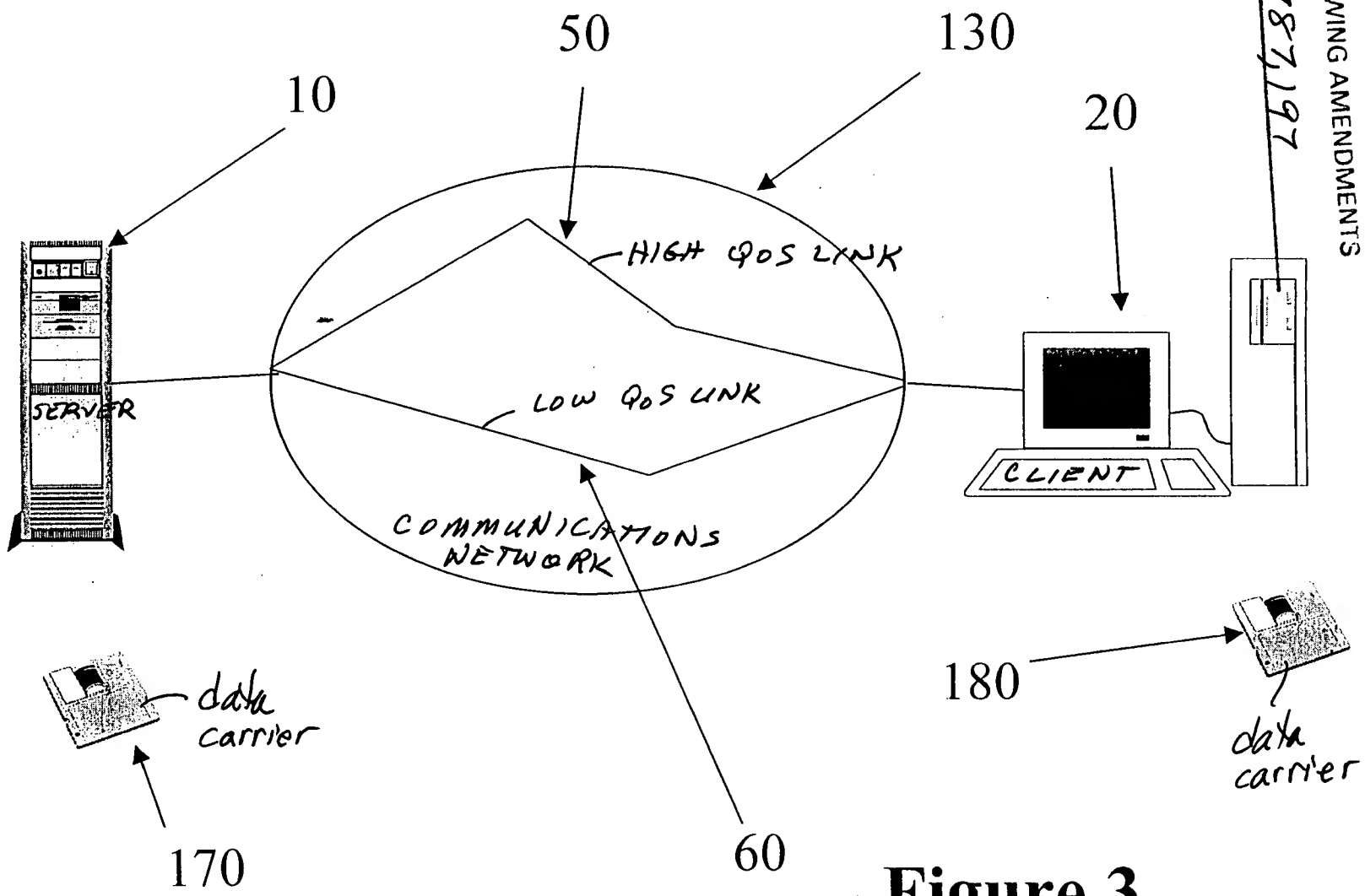
PROPOSED DRAWING AMENDMENTS
FOR SN 09/787,197
50
130
10
20
HIGH QOS LINK
LOW QOS LINK
SERVER
CLIENT
COMMUNICATIONS NETWORK
data carrier
180
data carrier
170
60

Figure 3